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A bill to be entitled
 An act relating to optometry; amending ss. 463.002,
 463.005, 463.0055, 463.0057, 463.006, and 463.014, F.S.;
 providing that the administration and prescription of
 pharmaceutical agents is not restricted to topical ocular
 pharmaceutical agents; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (b) of subsection (3) and subsections
 (4) and (5) of section 463.002, Florida Statutes, are amended to
 read:

463.002 Definitions.--As used in this chapter, the term:

(3)

(b) A licensed practitioner who is not a certified
 optometrist shall be required to display at her or his place of
 practice a sign which states, "I am a Licensed Practitioner, not
 a Certified Optometrist, and I am not able to prescribe ~~topical~~
~~ocular~~ pharmaceutical agents."

(4) "Certified optometrist" means a licensed practitioner
 authorized by the board to administer and prescribe ~~topical~~
~~ocular~~ pharmaceutical agents.

(5) "Optometry" means the diagnosis of conditions of the
 human eye and its appendages; the employment of any objective or
 subjective means or methods, including the administration of
~~topical-ocular~~ pharmaceutical agents, for the purpose of
 determining the refractive powers of the human eyes, or any
 visual, muscular, neurological, or anatomic anomalies of the
 human eyes and their appendages; and the prescribing and
 employment of lenses, prisms, frames, mountings, contact lenses,



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31 orthoptic exercises, light frequencies, and any other means or
32 methods, including ~~topical-ocular~~ pharmaceutical agents, for the
33 correction, remedy, or relief of any insufficiencies or abnormal
34 conditions of the human eyes and their appendages.

35 Section 2. Paragraph (g) of subsection (1) of section
36 463.005, Florida Statutes, is amended to read:

37 463.005 Authority of the board.--

38 (1) The Board of Optometry has authority to adopt rules
39 pursuant to ss. 120.536(1) and 120.54 to implement the
40 provisions of this chapter conferring duties upon it. Such rules
41 shall include, but not be limited to, rules relating to:

42 (g) Administration and prescription of ~~topical-ocular~~
43 pharmaceutical agents.

44 Section 3. Section 463.0055, Florida Statutes, is amended
45 to read:

46 463.0055 Administration and prescription of ~~topical-ocular~~
47 pharmaceutical agents; committee.--

48 (1) Certified optometrists may administer and prescribe
49 ~~topical-ocular~~ pharmaceutical agents as provided in this section
50 for the diagnosis and treatment of ocular conditions of the
51 human eye and its appendages without the use of surgery or other
52 invasive techniques. However, a licensed practitioner who is not
53 certified may use topically applied anesthetics solely for the
54 purpose of glaucoma examinations, but is otherwise prohibited
55 from administering or prescribing ~~topical-ocular~~ pharmaceutical
56 agents.

57 (2)(a) There is hereby created a committee composed of two
58 optometrists licensed pursuant to this chapter, appointed by the
59 Board of Optometry, two board-certified ophthalmologists
60 licensed pursuant to chapter 458 or chapter 459, appointed by



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61 the Board of Medicine, and one additional person with a
62 doctorate degree in pharmacology who is not licensed pursuant to
63 chapter 458, chapter 459, or this chapter, appointed by the
64 secretary. The committee shall review requests for additions to,
65 deletions from, or modifications of a formulary of ~~topical~~
66 ~~ocular~~ pharmaceutical agents for administration and prescription
67 by certified optometrists and shall provide to the board
68 advisory opinions and recommendations on such requests. The
69 formulary shall consist of those ~~topical-ocular~~ pharmaceutical
70 agents which the certified optometrist is qualified to use in
71 the practice of optometry. The board shall establish, add to,
72 delete from, or modify the formulary by rule. When the board has
73 approved a pharmaceutical agent for topical administration, the
74 board may also approve administration of that agent by means
75 other than injection, provided that the board may not approve
76 steroids or antifungal agents for oral administration.
77 Notwithstanding any provision of chapter 120 to the contrary,
78 the formulary rule shall become effective 60 days from the date
79 it is filed with the Secretary of State.

80 (b) The formulary may be added to, deleted from, or
81 modified according to the procedure described in paragraph (a).
82 Any person who requests an addition, deletion, or modification
83 of an authorized ~~topical-ocular~~ pharmaceutical agent shall have
84 the burden of proof to show cause why such addition, deletion,
85 or modification should be made.

86 (c) The secretary of the department shall have standing to
87 challenge any rule or proposed rule of the board pursuant to s.
88 120.56. In addition to challenges for any invalid exercise of
89 delegated legislative authority, the administrative law judge,



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90 upon such a challenge by the secretary, may declare all or part
 91 of a rule or proposed rule invalid if it:

92 1. Does not protect the public from any significant and
 93 discernible harm or damages;

94 2. Unreasonably restricts competition or the availability
 95 of professional services in the state or in a significant part
 96 of the state; or

97 3. Unnecessarily increases the cost of professional
 98 services without a corresponding or equivalent public benefit.

99

100 However, there shall not be created a presumption of the
 101 existence of any of the conditions cited in this subsection in
 102 the event that the rule or proposed rule is challenged.

103 (d) Upon adoption of the formulary required by this
 104 section, and upon each addition, deletion, or modification to
 105 the formulary, the board shall mail a copy of the amended
 106 formulary to each certified optometrist and to each pharmacy
 107 licensed by the state.

108 (3) A certified optometrist shall be issued a prescriber
 109 number by the board. Any prescription written by a certified
 110 optometrist for a ~~topical-ocular~~ pharmaceutical agent pursuant
 111 to this section shall have the prescriber number printed
 112 thereon.

113 Section 4. Subsection (3) of section 463.0057, Florida
 114 Statutes, is amended to read:

115 463.0057 Optometric faculty certificate.--

116 (3) The holder of a faculty certificate may engage in the
 117 practice of optometry as permitted by this section, but may not
 118 administer or prescribe ~~topical-ocular~~ pharmaceutical agents



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119 unless the certificateholder has satisfied the requirements of
 120 s. 463.006(1)(b)4. and 5.

121 Section 5. Subsections (2) and (3) of section 463.006,
 122 Florida Statutes, are amended to read:

123 463.006 Licensure and certification by examination.--

124 (2) The examination shall consist of the appropriate
 125 subjects, including applicable state laws and rules and general
 126 and ocular pharmacology with emphasis on the ~~topical~~ application
 127 and side effects of ocular pharmaceutical agents. The board may
 128 by rule substitute a national examination as part or all of the
 129 examination and may by rule offer a practical examination in
 130 addition to the written examination.

131 (3) Each applicant who successfully passes the examination
 132 and otherwise meets the requirements of this chapter is entitled
 133 to be licensed as a practitioner and to be certified to
 134 administer and prescribe ~~topical-ocular~~ pharmaceutical agents in
 135 the diagnosis and treatment of ocular conditions.

136 Section 6. Subsection (3) of section 463.014, Florida
 137 Statutes, is amended to read:

138 463.014 Certain acts prohibited.--

139 (3) Prescribing, ordering, dispensing, administering,
 140 supplying, selling, or giving any unauthorized pharmaceutical
 141 agent ~~systemic drugs by a licensed practitioner~~ is prohibited.

142 Section 7. This act shall take effect upon becoming a law.